

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Peter Michael Gits, et al.
Confirmation No.: 9267
Serial No. 09/882,221 Examiner: Thomas Duong
Filed: June 15, 2001 Group Art Unit: 2145
For: NET LURKERS
Date: October 2, 2006

Commissioner of Patents
ATTN: Deposit Account Branch
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Alexandria, VA 22313-1450

REQUEST FOR REFUND


Applicant filed an Appeal Brief on August 21, 2006, in response to a Notice of Panel Decision from Pre-Appeal Brief Review dated July 19, 2006. The due date for filing the Appeal Brief was August 19, 2006. As this date fell on a Saturday, the Appeal Brief was filed on Monday, August 21, 2006. Applicant's Deposit Account was charged \$120 for a first extension of time fee.

A copy of the Deposit Account Statement dated 8-31-06 is attached as Exhibit A, showing a charge of \$120 on August 30, 2006, to Deposit Account 13-1703. A copy of the Notice of Panel Decision is attached as Exhibit B. A copy of the Electronic Acknowledgement Receipt is attached is Exhibit C.

Applicant requests a refund of \$120 be credited to Deposit Account No. 13-1703.

Customer No. 20575

Respectfully submitted,
MARGER JOHNSON & McCOLLOM, P.C.



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FINA

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| Account No. | 131703 |
| Date | 8-31-06 |
| Page | 2 |

PLEASE SEND REMITTANCES TO:
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| DATE POSTED | | | CONTROL NO. | DESCRIPTION (Serial, Patent, TM, Order) | DOCKET NO. | FEE CODE | CHARGES/ CREDITS | BALANCE |
|--|-----|-----|-------------|--|-----------------|---------------|---------------------|-----------------|
| MO. | DAY | YR. | | | | | | |
| 8 | 17 | 06 | 64 | 11354469 | ASL 9903-131 | 8021 | 40.00 | 5700.00 |
| 8 | 18 | 06 | 3 | 10759469 | GGC 7293-106 | 1814 | 130.00 | 5570.00 |
| 8 | 22 | 06 | 1 | 10949176 | REP 5087-157 | 1201 | 200.00 | 5370.00 |
| 8 | 24 | 06 | 2 | 09898699 | Li Mei 9898-176 | 1801 | 790.00 | 4580.00 |
| 8 | 25 | 06 | 20 | 10449953 | JLR 2705-267 | 1201 | -800.00 | 5380.00 |
| 8 | 25 | 06 | 30 | 11223158 | ATM 4666-025 | 8007 | 60.00 | 5320.00 |
| 8 | 29 | 06 | 10 | E-REPLENISHMENT | | 9203 | -5000.00 | 10320.00 |
| 8 | 30 | 06 | 2 | 09882221 | JLR 2705-187 | 1251 | 120.00 | 10200.00 |
| Exhibit A | | | | | | | | |
| AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT | | | | | OPENING BALANCE | TOTAL CHARGES | TOTAL CREDITS | CLOSING BALANCE |
| | | | | | 6725.00 | 2840.00 | 6315.00 | 10200.00 |



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/882,221 | 06/15/2001 | Peter Michael Gits | 2705-187 | 9267 |

20575 7590 07/19/2006

MARGER JOHNSON & MCCOLLOM, P.C.
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EXAMINER

DUONG, THOMAS

ART UNIT PAPER NUMBER


2145

DATE MAILED: 07/19/2006



Please find below and/or attached an Office communication concerning this application or proceeding.

Exhibit B (page 1)

| | | |
|--|--|---|
| Application Number  | Application/Control No. 09/882,221 Jason D. Cardone | Applicant(s)/Patent under Reexamination GITS ET AL. Art Unit 2145 |
| Document Code - AP.PRE.DEC | | |

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 5/15/06.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:
 Claim(s) allowed: None.
 Claim(s) objected to: None.
 Claim(s) rejected: 11-14, 16, 18, 19, 27-31 and 38-45.
 Claim(s) withdrawn from consideration: None.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Jason D. Cardone.

(3) Joseph Dixon.

(2) Thomas Duong.

(4) _____.


JASON CARDONE
 SUPERVISORY PATENT EXAMINER

Electronic Acknowledgement Receipt

| | |
|--|------------------------------|
| EFS ID: | 1164722 |
| Application Number: | 09882221 |
| Confirmation Number: | 9267 |
| Title of Invention: | Net lurkers |
| First Named Inventor: | Peter Michael Gits |
| Customer Number: | 20575 |
| Filer: | Julie L. Reed/Janet Sullivan |
| Filer Authorized By: | Julie L. Reed |
| Attorney Docket Number: | 2705-187 |
| Receipt Date: | 21-AUG-2006 |
| Filing Date: | 15-JUN-2001 |
| Time Stamp: | 18:55:30 |
| Application Type: | Utility |
| International Application Number: | |

Payment information:

| | |
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| Submitted with Payment | yes |
| Payment was successfully received in RAM | \$ 500 |
| RAM confirmation Number | 565 |
| Deposit Account | |

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes) | Multi Part | Pages |
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|--|-------------------------------|---------------------------|---------|----|----|
| 1 | Appeal Brief Filed | Appeal_Brief_2705-187.pdf | 1544641 | no | 20 |
| Warnings: | | | | | |
| Information: | | | | | |
| 2 | Miscellaneous Incoming Letter | FeeAddition.pdf | 44380 | no | 1 |
| Warnings: | | | | | |
| Information: | | | | | |
| 3 | Fee Worksheet (PTO-875) | fee-info.pdf | 8115 | no | 2 |
| Warnings: | | | | | |
| Information: | | | | | |
| Total Files Size (in bytes): | | | 1597136 | | |
| <p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> | | | | | |